956.

SUPREME COURT OF THE UNITED STATES.

No. 65.

ROBERT WHITE, PLAINTIFF IN ERROR,

vs.

WILLIAM S. NICHOLLS AND OTHERS.

IN ERROR TO THE CIRCUIT COURT U. S. FOR THE DISTRICT OF COLUMBIA, HOLDEN IN AND FOR THE COUNTY OF WASHINGTON.

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J. & G. S. GIDEON, Printers.

Writ of error.

UNITED STATES OF AMERICA:

[SEAL] The President of the United States to the judges of the circuit court of the District of Columbia, sitting for the county of Washington, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea, which is in the said court before you, or some of you, wherein Robert White is plaintiff, and William S. Nicholls, William Robinson, Otho M. Linthicum, Edward M. Linthicum, Raphael Semmes, Paul Stevens, and Charles C. Fulton, are defendants, a manifest error hath happened to the great damage of the said plaintiff, as by his complaint appears; we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that under your hand, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the ——— Monday of ——— next, in said Supreme Court to be then and there held; and that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, which of right, and according to the laws and custom of the United States, should be done.

Witness, the honorable Roger B. Taney, Chief Justice of said Supreme Court.

Issued this seventh day of January, 1843.

W. BRENT, *Clerk.*

Citation.

DISTRICT OF COLUMBIA, *to wit:*

The United States of America to William S. Nicholls, William Robinson, Otho M. Linthicum, Edward M. Linthicum, Raphael Semmes, Paul Stevens, and Charles C. Fulton, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, on the 2d Monday of January instant, pursuant to a writ of error filed in the clerk's office of the circuit court of the District of Columbia, for the county of Washington, wherein Robert White is plaintiff in error, and you are defendants in error, to show cause, if any there be, why judgment rendered against the said Robert White, in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in this behalf.

Witness the hon. W. Cranch, chief judge of the circuit court of the District of Columbia, this seventh day of January, 1843.

Service acknowledged, January, 1843.

W. CRANCH.

JOS. H. BRADLEY, *for Def'ts.*

Copy of Appeal Bond.

Know all men by these presents, that we, Robert White and Eben G. Brown, all of Washington county, in the District of Columbia, are held and firmly bound unto William S. Nicholls, William Robinson, Otho M. Linthicum, Edward M. Linthicum, Raphael Semmes, Paul Stevens, and Charles C. Fulton, in the full and just sum of five hundred dollars, current money of the United States; to which payment, well and truly to be made and done, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this seventh day of January, 1843.

Whereas, lately at a circuit court of the District of Columbia, sitting for the county of Washington, in a suit pending in the said court, wherein the said Robert White was plaintiff, and the said William S. Nicholls, William Robinson, Otho M. Linthicum, Edward M. Linthicum, Raphael Semmes, Paul Stevens, and Charles C. Fulton, were defendants, judgment was rendered against the said plaintiff, and he having obtained a writ of error, and filed a a copy thereof, in the clerk's office of the said circuit court, to reverse the judgment in the aforesaid suit, and a citation directed to the said defendants, citing and admonishing them to be and appear at a Supreme Court of the United States, to be holden at Washington, on the ——— Monday of ——— next.

Now, the condition of the above obligation is such, that if the said Robert White shall prosecute his writ with effect, and answer all damages and costs, if he fails to make his plea good, then the above obligation to be null and void, otherwise to be and remain in full force and virtue.

Signed, sealed, and delivered in the presence of

ROBT. WHITE, [SEAL.]
EBEN G. BROWN, [SEAL.]

Approved: J. S. MORSELL,
Ass't. Judge Ct. Ct. Dist. Col.

Style of Court.

DISTRICT OF COLUMBIA, *sct:*

At a circuit court of the District of Columbia, begun and held in and for the county of Washington, at the city of Washington, on the fourth Monday of November, being the twenty-eighth day of the same month, in the year of our Lord one thousand eight hundred and forty-two, and of the independence of the United States the 67th.

Present: the honorable William Cranch, chief judge; Buckner Thruston and James S. Morsell, asst. judges; Alexander Hunter, esq., marshal; William Brent, clerk.

In the record of the proceedings of the said court, among others, are the following, to wit:

ROBERT WHITE,
vs.
WILLIAM S. NICHOLLS, WILLIAM ROBINSON, OTHO M. LINTHICUM, EDWARD M. LINTHICUM, RAPHAEL SEMMES, PAUL STEVENS, and CHARLES C. FULTON. } *Parties.*

Be it remembered, that heretofore, to wit, on the eighteenth day of November, in the year of our Lord one thousand eight hundred and forty-one, the said plaintiff, by Brent & Brent, esqrs., his attorneys, prosecuted and sued forth out of the circuit court here the United States writ of capias ad respondendum, directed to the marshal of the District of Columbia, in the words and of the tenor following, to wit:

Capias ad respondendum.

DISTRICT OF COLUMBIA, *to wit:*

The United States of America to the marshal of the District of Columbia, greeting:

We command you that you take William S. Nicholls, William Robinson, Otho M. Linthicum, Edward M. Linthicum, Raphael Semmes, Paul Stevens, and Charles C. Fulton, late of Washington county, if they shall be found within the county of Washington in your said district, and them safely keep, so that you have their bodies before the circuit court of the District of Columbia, to be held for the county aforesaid at the city of Washington, on the fourth Monday of November next, to answer unto Robert White in a plea of trespass in the case, and so forth. Hereof fail not at your peril, and have you then and there this writ.

Witness the honorable W. Cranch, chief judge of our said court, at the city of Washington, the 18th day of May, A. D. 1841.

Issued 18th November, 1841.

B. & B. W. BRENT, *Clerk.*

And the aforesaid plaintiff, on the day of prosecuting and suing forth of the aforegoing writ, declared against the said defendants in the plea aforesaid, in form following, to wit:

Nar.

DISTRICT OF COLUMBIA,
Washington county, to wit:

William S. Nicholls, William Robinson, Otho M. Linthicum, Edward M. Linthicum, Charles C. Fulton, Paul Stevens, and Raphael Semmes, late of Washington county, yeomen, were attached to answer unto Robert White in a plea of trespass on the case, and so forth.

And whereupon the said plaintiff, by Brent & Brent and Francis S. Key, his attorneys, complains, for that whereas previous to, and at the time of committing of the several grievances by the defendants as hereinafter mentioned, the plaintiff was collector of the customs for the district, and inspector of the revenue for the port of Georgetown in the District of Columbia; yet the defendants well knowing the premises, but greatly envying the happy state and condition of the said plaintiff, and contriving, and wickedly and maliciously intending to injure the plaintiff in his good name, fame, and credit, and to bring him into public scandal, infamy, and disgrace, with and amongst all his neighbors, and other good and worthy citizens of the county aforesaid, and to cause the plaintiff to be removed from his said office, heretofore, to wit: on the 20th June, 1841, at Georgetown, to wit, at the county aforesaid, falsely, wickedly, and maliciously did compose and publish, and caused to be composed and published, of and concerning the plaintiff, and of and concerning his aforesaid office, and of and concerning the plaintiff's conduct in his said office, for the purpose of procuring his removal from said office, a certain false, malicious, and defamatory libel, containing, amongst other things, the false, scandalous, malicious, defamatory, and libellous matter of and concerning the plaintiff, and of and concerning his aforesaid office, and of and concerning his said plaintiff's conduct in his said office, for the purpose of procuring the removal of the plaintiff from his said office, as follows, that is to say: We (meaning the defendants) feel it to be proper to put you (meaning his excellency John Tyler, President of the United States, to whom the said libel was addressed) in possession of the grounds upon which the removal of Mr. Robert White, (meaning the plaintiff,) from the office of collector of customs of this port (meaning the office then held by the plaintiff as aforesaid) is required. You (meaning the President of the United States) will recollect the humiliation and prostrate condition of the people of this District (meaning the District of Columbia) about a year ago, when the majority then in Congress determined to destroy our banks, as a punishment upon us for having avowed and published our preference for the candidates of the great Whig party. It was in that dark season that Mr. White (meaning the plaintiff) determined to desert his own fellow-citizens, and to join in the war which was making upon their liberties and interests. Being then seeking office, he (meaning the plaintiff) sought to recommend himself to the executive by getting up a memorial here, which was to be used as a sanction or approval, on the part of our own citizens, of the mad policy which had been adopted by their oppressors. He (meaning the plaintiff) then joined with an assemblage of forty-eight persons in getting up a memorial, which none but themselves could be induced to sign. These memorialists, with about five exceptions, could not be identified, by name or residence, as citizens of Georgetown; upon investigation they proved to be apprentices

and journeymen, holding a transient residence in the town. Being few in number they were, no doubt, believed by Congress, and persons at a distance, to be a select body of experienced merchants and traders, who had some knowledge of the subject of the memorial. A copy of the memorial has been deposited with the Secretary of the Treasury, (meaning the Treasury of the United States.) It is perhaps one of the vilest calumnies ever issued by a band of thoughtless and irresponsible individuals, many of whom would have shrunk from such a proceeding had they the necessary intelligence to comprehend its enormity. But not so with Mr. White; he (meaning the plaintiff) knew the paper contained an unmitigated slander. He (meaning plaintiff) seemed to be willing to blacken the character of those of his fellow-citizens who had been entrusted with the charge of our banks, if that would only secure an appointment, when all other methods had failed him for the preceding twelve years. We (meaning the defendants) revolt at the idea of Mr. White being permitted to remain in an office, whose emoluments flow from the labor and enterprise of the very men whose business and families he (meaning the plaintiff) sought to involve in ruin. It is impossible that he (meaning the plaintiff) can ever regain the confidence of men whom he abandoned and vilified in the darkest hour of their existence. His expulsion from office (meaning the expulsion of the plaintiff from his office aforesaid) is no less demanded by his unpardonable conduct, than by justice to the wounded feelings of an injured community.

About the same time, June, 1840, with the persons under his influence, and as is believed at the request of an office-holder of great political rancor, Mr. White (meaning the plaintiff) procured Dr. Duncan, then a member of Congress from Ohio, to deliver a speech here in abuse of General Harrison, (meaning the late President of the United States.) The speech was, perhaps, the very vilest that was ever delivered by that gentleman.

And whereas also the said defendants, intending and contriving to cause the plaintiff to be removed from the office then held by him, as stated in the first count heretofore, to wit, on the 26th June, 1841, at Georgetown, to wit, at the county aforesaid, falsely, wickedly, and maliciously, did compose and publish, and caused to be composed and published, of and concerning the plaintiff, and of and concerning his office, and of and concerning his conduct in his said office, and for the purpose of procuring his removal from his said office, a certain other false, malicious, and defamatory libel, containing, amongst other things, the following false, scandalous, malicious, defamatory, and libellous matter of and concerning the plaintiff, and of and concerning his said office, and of and concerning his said plaintiff's conduct in his said office, and for the purpose of procuring the plaintiff's removal from his said office, that is to say:

Mr. White's was the place (meaning the house of the plaintiff) where the leading members of his party nightly assembled up to

the close of the Presidential election, (meaning the election of 1840;) and a respectable citizen declares that since Mr. White's appointment, (meaning the plaintiff's appointment to the office aforesaid,) he (meaning the plaintiff) circulated "bushels" of the Globe, (meaning a political paper called the Globe.) He (meaning the respectable citizen aforesaid) declines to give his (meaning the respectable citizen's) formal evidence in the case, upon the ground that he (meaning the respectable citizen) being a near neighbor of Mr. W., (meaning the plaintiff,) he (meaning the respectable citizen) is unwilling to disturb the friendly personal relations subsisting between them.

Such was Mr. White's (meaning the plaintiff's) general political violence, and the unhesitancy with which he (meaning the plaintiff) descended to the lowest means to secure the favor of the late administration, that no one doubted here but that he (meaning the plaintiff) would be dismissed when the present party came into power; and no one can be more astonished than Mr. White (meaning the plaintiff) is himself at his retention (meaning his retention in the office aforesaid) to the present time.

By reason of publishing of which said several libels, the said plaintiff saith, that he hath been and is greatly injured in his good name, fame, and credit, with and amongst all his neighbors, friends, and acquaintance. And by reason of the publishing of which said several libels, the plaintiff saith that he was heretofore, to wit, on the twelfth day of July, 1841, at the county aforesaid, removed from his office aforesaid, and was thereby deprived of the emoluments and income of said office, amounting to a large sum of money, to wit, the sum of three thousand dollars annually, and hath been otherwise greatly injured, whereby the said plaintiff saith that he hath damage, and is the worse, to the value of twenty-five thousand dollars; and therefore he brings suit, and so forth.

BRENT & BRENT,
For plaintiff.

JOHN DOE and RICHARD ROE. } Pledges.

November term, 1841.

At which mentioned fourth Monday of November, in the year of our Lord one thousand eight hundred and forty-one, and the day of the return of the aforegoing writ, comes into the circuit court here the said plaintiff by his attorneys aforesaid; and the marshal of the district aforesaid, to whom the said aforegoing writ was in form aforesaid directed, makes return thereof to the court here, thus endorsed, to wit:

Marshal's return.

"Cepi all."

A. HUNTER, *Marshal.*

Defendants' appearance—rule—plea.

And the said defendants being called, appeared in court here by John Marbury, esq., their attorney; and thereupon, on motion of the said plaintiff, by his attorney aforesaid, it is ruled by the court here that the said defendants answer to the declaration aforesaid of the said plaintiff in the plea aforesaid, or judgment by the court here will be entered against them in default thereof.

Imparlance to March term, 1842.

And the said defendants, by their attorney aforesaid, defend the force and injury when, and so forth, and pray leave of the court here to imparle until the fourth Monday of March next, and then to answer to the declaration aforesaid, of the said plaintiff in the plea aforesaid, and to them it is granted; the same day is given to aforesaid plaintiff also.

Appearance of parties, and plea of not guilty, and issue joined.

At which mentioned fourth Monday of March, in the year of our Lord one thousand eight hundred and forty-two, to which said day the said defendants had leave to imparle, and then to answer to the declaration aforesaid of the said plaintiff in the plea aforesaid, comes again into the circuit court here, as well the said plaintiff, by his attorney aforesaid, as the said defendants, by their attorney aforesaid; and the said defendants, by their attorney aforesaid, as before defend the force and injury when, and so forth, and say that they are not guilty of the premises in manner and form as the aforesaid plaintiff above against them have complained; and of this they put themselves upon the country, and the said plaintiff, by his attorney aforesaid, in like manner, and so forth.

Venire facias to November term, 1842.

Therefore, let a jury thereon appear before the court here on the fourth Monday of November next, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., and the same day is given to the said parties then and there, and so forth.

And now at this day, to wit: the said fourth Monday of November, in the year of our Lord one thousand eight hundred and forty-two, comes again into the circuit court here, as well the said plaintiff, by his attorney aforesaid, as the said defendants, by their attorney aforesaid; whereupon, for trying the issue aforesaid, it is ordered by the court here, that twenty persons from the pannel of petit jurors returned to the court here by the marshal of the district aforesaid be drawn by ballot and written upon two lists, one of which said lists is given to the counsel for the respective parties, and the counsel for each of the said parties having stricken off four persons from each of the said lists, thereupon the remaining twelve persons being called, come, to wit:

Jury.

1 Alexander Borland,
2 William A. Williams,
3 Robert K. Nevitt,
4 Louis Beeler,
5 Edward Fenwick,
6 James Middleton,
7 John L. Brightwell,
8 Edmond Brooke,
9 Charles Wallack,
10 Nicholas Callan, jr.
11 A. B. Lindsley,
12 Jos. C. Dawes.

Verdict of not guilty.

Who being duly empannelled and sworn to say the truth in the premises, upon their oath do say, that the said defendants are not guilty of the premises in manner and form as the aforesaid plaintiff above against them hath complained.

Judgment for defendants.

Therefore, it is considered by the court here, that the said plaintiff take nothing by his writ and declaration aforesaid, but be in mercy, &c. for his false clamor, and that the said plaintiff go thereof without day, &c., and it is also considered by the court here that the said defendants recover against the said plaintiff the sum of dollars and cents, by the court here unto them, the said defendants, on their assent adjudged for their costs and charges by them about their defence in this behalf laid out and expended.

Memorandum.

Memorandum.—Before the jurors aforesaid withdrew from the bar of the court here, the said plaintiff, by his attorney aforesaid, filed in court here the following bills of exceptions, to wit:

Plaintiff's 1st bill of exceptions.—Plaintiff's 1st bill of exceptions.

ROBERT WHITE
vs.
WM. S. NICHOLLS & al.

Same
vs.
HENRY ADDISON.

In the trial of these causes the plaintiff, to support the issues on his part, offered evidence to show that he was duly appointed to the office set forth and described in the declaration on the 21st day of July, 1840, and that he was acting as such officer from that time 'til the 9th day of July, 1841, when he was removed from office, and the defendant, Henry Addison, appointed in his place; and then further offered in evidence a written paper (copied in page 28) and proved that the same was in the handwriting of the defendant Addison, and that the signatures thereto were in the handwriting respectively of the several defendants. That the said paper, so written and subscribed, was sent to the President of the

United States, and by him sent to the Treasury Department, where it was filed on or before the 30th June, 1841, and kept by a clerk of that department having charge of such papers, and shown on one occasion to one person by him, which person had called to see it at the request of the plaintiff, and also on another occasion to another person.

And the plaintiff further offered evidence that one of the said defendants, whom he named, said about the time of signing the said paper, and before the plaintiff was turned out of office, that the plaintiff had signed a memorial against the banks in the district, and swore that he would have him turned out of office.

And also offered evidence that another of said defendants also named had, on one occasion said, after the said paper had been sent to the President, that he had made no charges against the plaintiff; and on another occasion he stated that he had made charges, and that he could prove against the plaintiff more than he had so charged.

And the plaintiff further proved that the said paper, so written and subscribed, was shown to a citizen of Georgetown for the purpose of being subscribed by him, who refused so to do, because he was not acquainted with all the facts stated in said paper.

And the plaintiff, upon the evidence aforesaid, offered thereupon to read the said paper to the jury, but the court refused to allow the said paper to be read in evidence to the jury.

To which refusal of the court the plaintiff excepts, and prays the court to sign and seal this bill of exceptions, which is done accordingly, this 3d day of January, 1843.

B. THRUSTON. [L. S.]
JAS. S. MORSELL. [L. S.]

Plaintiff's 2d bill of exceptions.—Plaintiff's 2d bill of exceptions.

ROBERT WHITE
vs.
WM. S. NICHOLLS & al.

Same
vs.
HENRY ADDISON.

And the plaintiff further offered, after the evidence aforesaid in former exception had been given, to show the malice of defendants in writing, signing, and presenting said paper, to read the said paper, and offer evidence in connexion therewith of the falsehood of the charges therein stated; which the court also refused, and the plaintiff excepts to said refusal, and prays the court to sign and seal this bill of exceptions, which is done accordingly, this 3d January, 1843.

B. THRUSTON. [L. S.]
JAS. S. MORSELL. [L. S.]

Plaintiff's 3d bill of exceptions.—Plaintiff's 3d bill of exceptions.

ROBERT WHITE
vs.
WM. S. NICHOLLS & al.

Same
vs.
HENRY ADDISON.

And the plaintiff, after the evidence was offered as stated in the first and second bills of exceptions, and after the opinions had been given by the court as therein stated, then offered to prove by substantial evidence, for the purpose of showing malice in the defendants in writing, signing, and presenting the said paper, that the charge contained in the said paper of the plaintiff's having lost the confidence of the men from whose labors and enterprize the emoluments of his office flowed, was false, malicious, and without probable cause; that all the persons doing business with the said plaintiff, as such officer, in his said office, during all the time of his continuing in office, were Genl. Walter Smith, Henry McPherson, John Hopkins, and Jabez Travers, all which persons, the plaintiff now offers as witnesses to prove that the plaintiff had never lost their confidence, but that they always continued their confidence in the plaintiff, and approved of his conduct as such officer. And also further to falsify the said charge, the plaintiff offers to prove, that an election was held in Georgetown in February, 1841 and 1842, for a common councilman in said town, in which election, a majority of the qualified voters of said town voted for the plaintiff, and he was elected to the common council, notwithstanding the active opposition of several of the defendants.

And the plaintiff also further offered to prove, that the charges in the said paper of the plaintiff's having descended to the lowest means to secure the favor of the late administration, and that he procured Doctor Duncan to deliver a speech in Georgetown in the abuse of Gen. Harrison, and that the plaintiff's was the place where the leading members of his party nightly assembled up to the close of the Presidential election, and that the plaintiff, since his appointment to his said office, had distributed bushels of the Globe, were false, malicious, and without probable cause, by producing witnesses to disprove and falsify the said charges, and show that there was no foundation or probable cause for said charges.

But the court was of opinion that such evidence was inadmissible, and refused to allow the same to be given in evidence to the jury; to which opinion and refusal, the plaintiff, by his counsel, excepts, and prays the court to sign and seal this bill of exceptions, which is done accordingly, this 3d day of January, 1843.

W. CRANCH, [L. S.]
JAS. S. MORSELL, [L. S.]

Plaintiff's 4th bill of exceptions.—Plaintiff's 4th bill of exceptions.

ROBERT WHITE
vs.
WILLIAM S. NICHOLLS & al.

Same
vs.
HENRY ADDISON.

In the further trial of these causes, and after offering the evidence stated in the preceding bills of exceptions, and after the opinions and decisions of the court, as therein stated, the plaintiff, by his counsel, in order to show express malice, and the want of all probable cause in the defendants in writing, and subscribing, and presenting, as before stated, the paper writing set out in the declaration, and that the same was so written, subscribed, and presented, by such defendants, not for the purpose of claiming redress for a grievance in the conduct of a public officer, but maliciously, and from private pique and resentment; and in order that the said paper, with the evidence now to be offered, should go to the jury as evidence of malice, then offered to prove express malice on the part of the defendants, by competent evidence, and the want of probable cause for the charges contained in said paper, and in connexion with such evidence to offer the said paper in evidence to the jury.

And the defendants, by their counsel, objected to said evidence; and thereupon, the court refused to allow the same to be given for the purpose above stated, or for any other purpose; to which the plaintiff, by his counsel excepts, and prays the court to sign and seal this bill of exceptions, which is done accordingly, this 5th day of January, 1843.

Witness our hands and seals, this 5th day of January, 1843.

B. THRUSTON, [L. S.]
JAS. S. MORSELL, [L. S.]

Plaintiff's 5th bill of Exceptions.—Plaintiff's 5th bill of Exceptions.

ROBERT WHITE
vs.
WM. S. NICHOLLS & al.

SAME
vs.
HENRY ADDISON.

In the further trial of these causes, and after the evidence stated in the preceding bills of exceptions had been offered as stated, and after the opinions and rejections of evidence as therein stated, the plaintiff, in support of the issues joined on his part, for the purpose of proving a publication of the libel charged in the declaration on

the part of certain defendants, whose names are signed to the papers, now offered in evidence the following papers, (the several handwritings of the said defendants signing the same being admitted): A, copied in page 33; B, copied in page 37; C, copied in page 40; by showing from the said papers that the said defendants had referred to, and re-asserted, the truth of the charges contained in the said libel charged in the declaration, and that such reference and re-assertion was not privileged, and was a publication of the libel, for which said defendants were responsible in this action.

And in the case against Henry Addison, the plaintiff, for a like purpose, and [to] prove in the same way such a publication of the libel charged in the declaration as he was responsible for in this action, offered in evidence a paper admitted to be in the handwriting of said defendant, Henry Addison—D, copied in page 41; and the defendants, by their counsel, objected to the admissibility of said papers so offered in evidence.

And the court sustained the said objection, and refused to allow the said papers to be given in evidence. To which opinion and refusal the plaintiff, by his counsel, excepts, and prays the court to sign and seal this bill of exceptions, which is done accordingly, this 5th day of January, 1843, as witness our hands and seals.

W. CRANCH, [SEAL.]
JAS. S. MORSELL. [SEAL.]

Libel.

Paper referred to in plaintiff's 1st bill of exceptions, page 19.

GEORGETOWN, *July 26th*, 1841.

SIR: We *fell* it to be proper to put you in possession of the grounds upon which the removal of Mr. Robt. White from the office of Collector of Customs of this port is requested. You will recollect the humiliation and prostrate condition of the people of this District about a year ago, when the majority then in Congress determined to destroy our banks, as a punishment upon us for having avowed and published our preference for the candidates of the great Whig party. It was in that dark season that Mr. White determined to desert his own fellow citizens, and to join in the war which was making upon their liberties and interests. Being then seeking office, he sought to recommend himself to the Executive by getting up a memorial here, which was to be used as a sanction or approval, on the part of our own citizens, of the mad policy which had been adopted by their oppressors. He then joined with an assemblage of forty-eight persons in getting up a memorial, which none but themselves could be induced to sign. These memorialists, with about five exceptions, could not be identified, by name or residence, as citizens of Georgetown. Upon investigation, they proved to be apprentices and journeymen, holding a transient

residence in the town. Being few in number, they were no doubt believed by Congress, and persons at a distance, to be a select body of experienced merchants and traders, who had some knowledge of the subject of their memorial. A copy of the memorial has been deposited with the Secretary of the Treasury; it is, perhaps, one of the vilest calumnies ever issued by a band of thoughtless and irresponsible individuals, many of whom would have shrunk from such a proceeding, had they the *the* necessary intelligence to comprehend its enormity; but not so with Mr. White. He knew the paper contained an unmitigated slander; he seemed to be willing to blacken the character of those of his fellow citizens who had been entrusted with the charge of our banks, if that would only secure an appointment, when all other methods had failed him for the preceding twelve years.

We revolt at the idea of Mr. White being permitted to remain in an office whose emoluments flow from the labor and enterprise of the very men whose business and families he sought to involve in ruin. It is impossible that he can ever regain the confidence of men whom he abandoned and villified in the darkest hour of their existence; his expulsion from office is no less demanded by his unpardonable conduct, than by justice to the wounded feelings of an injured community.

About the same time, June, 1840, with the persons under his influence, and, as is believed, at the request of an office-holder of great political rancour, Mr. White procured Dr. Duncan, then a member of Congress from Ohio, to deliver a speech here in abuse of Gen. Harrison. The speech was, perhaps, the very vilest that was ever delivered by that gentleman.

It was so satisfactory to Mr. White, who acted as vice president on the occasion, that he immediately rose and moved the doctor a vote of thanks, and a request that the speech be furnished for publication. The resolutions, which were adopted unanimously on the occasion, were nearly as calumnious as the speech itself.

We refer you to the Globe newspaper, of the 3d July last, for an official account of the proceedings of the meeting. We will only trouble you with a few sentences, that you may have some idea of the character of those extraordinary proceedings. They denounced General Harrison as "the nominee of *the* Bank *Whig* Federalists, abolish*eon*ists, and antimasons"—"an abolish*eon*ist of fraud and concealment," as being guilty of pursuing a course "grossly insulting to common sense, honesty and decency, by shrouding himself in darkness—of courting dangerous fanatics, and countenancing them (abolish*eon*ists) in their mad warfare upon our peace, our property, and our lives," and that "he should be treated as an abolish*eon*ist."

Mr. White's was the place where the leading members of his party nightly assembled, up to the close of the Presidential election; and a respectable citizen declares, that since Mr. White's

appointment, he circulated "bushels" of the Globe. He declines to give his formal evidence in the case, upon the ground that, he being a near neighbor of Mr. W., he is unwilling to disturb the friendly personal relations subsisting between them.

Such was Mr. White's general political violence, and the *unhesitancy* with which he descended to the lowest means to secure the *favour* of the late administration, that no one doubted here but that he would be dismissed when the present party came into power; and no one can be more astonished than Mr. White is himself, at his retention to the present time.

We will also take this opportunity to state, that we desire Mr. H. Addison to be appointed to the office of Collector, in Mr. White's place, whose abundant testimonials and recommendations of our business citizens are already on file with the Secretary of the Treasury.

With great respect, your ob't serv'ts,

CHAS. C. FULTON,
E. M. LINTHICUM,
RAP. SEMMES,
O. M. LINTHICUM,
WM. ROBINSON,
WM. S. NICHOLLS,
PAUL STEVENS.

P. S. It is further proper to state, that Mr. Addison's recommendations, filed with Mr. Ewing, *is* signed by every citizen in town, with a single exception, who have regular business to transact at the custom-house.

Memorial of the citizens of Georgetown for the removal of Mr. White and the appointment of Mr. Addison.

A—referred to in plaintiff's 5th bill of exceptions, page 26.

Hon. THOMAS EWING,
Secretary of the Treasury.

SIR: Earnestly requesting, as we now do, the immediate removal of Mr. Robt. White from the office of collector of this port, we feel it proper to state candidly our insuperable objections to his continuance in that office.

At a time when a remorseless and vindictive majority in Congress *were* making a ruinous war upon all the business interests of the country, by destroying confidence in its banking institutions, and when that majority *were* pursuing a most persecuting and ruinous course towards the defenceless and unoffending people of this District, Mr. White, for the mere purpose of evidencing his unscrupulous zeal in behalf of the late administration, and to secure its favor, did, under the most offensive circumstances, sign a violently abusive and insulting memorial to Congress, urging in the most de-

cided manner the adoption of fatal measures towards the banks, by compelling them to continue specie payments when all the institutions of Virginia and Maryland had suspended, and thereby to be compelled to pursue a destructive and burthensome policy towards their customers.

The object of the memorial was to place something in the hands of our enemies in the shape of an approval of their course, which was a gross deception.

This offence becomes greatly aggravated, when it is known that Mr. White knew, so far as his acquaintance went with his co-signers, that they were too grossly ignorant of business and banking to be able to express any opinion upon such a subject. The other signers, with the exception of two or three, were so wholly unknown to our business community, that Mr. White would not be able to identify their persons, or designate their residences. It is to be taken for granted that they were merely transient laborers, or persons so young as not then to have attracted the notice of our oldest and most observing citizens; some of them, indeed, were known to be small apprentices. So offensive and unpopular was the whole proceeding, that with the exception of, perhaps, two others, (from whom our community would look for nothing better,) Mr. White was the only respectable man of business who could be induced to put his name upon the paper. His own purpose could never have been detected, but for his appointment as collector, which so soon succeeded. Mr. White's experience in trade had taught him the indispensable necessity there was for banks in this District, and his *intelligence* and sense of justice were outraged by the declaration that our banks should be made to pay specie, when the banks of our neighboring States of Virginia and Maryland found it wholly impracticable so to do. He knew the gentlemen who had the management of our banks, directors as well as officers, and he knew they stood without reproach, and that it was wholly impossible that they could be influenced by the low and disreputable designs which his memorial so unscrupulously charged to them. It was a vile slander, put forth [so] as to evade the responsibility of a legal prosecution. We think he is the last man to hold an office, the value of which depends upon the enterprise and integrity of the very men whose families and business were alike to be overwhelmed with ruin at his special application.

His removal from an office thus obtained would be doubly gratifying to us, when we know his family does not need its emoluments for support.

It can be proved that at his store, in which the office of collector is kept, there were almost nightly assemblages of the principal party men who sustained the late administration, and particularly during the fall of 1840.

A highly respectable man has stated that, during the latter part of the late canvass, he saw Mr. White preparing immense numbers

of the newspaper called the "Washington Globe," for circulation, but, being a neighbor of Mr. White, he is unwilling to appear as a witness against him. The language the gentleman used was, that "he had seen bushels of the Globe so prepared, since his appointment as collector."

Under these circumstances we would most respectfully ask you to dismiss Mr. White from the office, and that our fellow townsman, Mr. Henry Addison, who has already been recommended by most of us, may be appointed to fill it.

O. M. Linthicum,	Wm. Hayman,
Raphael Semmes,	Jos. Smoot,
Wm. Robinson,	Wm. S. Nicholls,
E. M. Linthicum,	James Thomas,
Peregrine Warfield,	Jeremiah Orme,
Robert Ould,	T. P. Waugh,
Wm. Jewell,	Edwd. S. Wright,
William Laird,	J. Riley,
Wm. Lang,	W. S. Ringgold,
S. E. Scott,	J. I. Stull.

Messrs. Linthicum, Laird, and Nicholls, as to conduct of Collector of Georgetown.

B—referred to in plaintiff's 5th bill of exceptions, page 26:

GEORGETOWN, *June* 19, 1841.

SIR: About a year ago, the Hon. A. Duncan, of Ohio, was invited by a number of office-holders and others to hold a political meeting in this town.

The meeting was held on the 26th June, 1840, and the proceedings published in the Globe on or about the 3d July.

Mr. Robert White, our collector of customs, acted as one of the vice presidents of the meeting, and who was so tickled and delighted with Duncan's vile calumnies upon General Harrison, that he arose and made the motion that he (Duncan) would prepare the speech for publication. The address was said to be one of the speaker's vilest, and if you desire it a copy shall be presented for your perusal. The persons who moved the resolutions, and one of the secretaries, were clerks in the Departments.

We now hand you a copy of two of the resolutions, and an account of the proceedings which we present separate for your immediate and convenient notice, referring you at the same time to the very lengthy account to be found in the Globe of the date mentioned above.

You will see that the copy now sent applies the following language to Gen. Harrison: "Nominee of bank whigs, federalists, abolitionists, *and anti-masons*"—"*an obolitionist*"—"*fraud and concealment*"—"*grossly insulting common sense, decency, and honesty, by shrouding himself in 'darkness'*"—"of courting dangerous

fanatics, and countenancing them in their mad warfare upon our peace, property, and lives"—"*he should be treated as an abolitionist.*"

This conduct of Mr. White's, in connection with his signature being placed to the infamous anti-bank memorial which a delegation from town left in your hands when Mr. White's removal was first requested, renders him extremely offensive to the whigs here. We again would take the opportunity to remind you of our earnest hope that Mr. H. Addison will be appointed to that office, whose full and abundant testimonials are already in your possession.

The continuance of Mr. White in office is mortifying to every real friend of the administration here.

With respect, your obedient servants,

O. M. LINTHICUM,
WILLIAM LAIRD,
WM. S. NICHOLLS.

Hon. T. EWING, *Secretary of the Treasury.*

O. M. Linthicum and others to the President.

C.—Referred to in plaintiff's 5th bill of exceptions, page 26.

GEORGETOWN, *Sept.* 21*st*, 1841.

SIR:—Should any paper have been sent to you contradicting in any manner a representation made by ourselves and others in regard to the conduct of Mr. White, late collector of this port, we will thank you to let us have a copy of that paper, with the names appended thereto, that we may see in what particular, and to what extent, our statement may have been contradicted, and by whom.

With great regard we are, sir, your obedient servants,

O. M. LINTHICUM,
W. ROBINSON,
WILLIAM LAIRD,
RAPH. SEMMES,
WM. S. NICHOLLS,
D. ENGLISH, Jr.

To his excellency JOHN TYLER,
President U. S.

H. Addison to the President.

D.—Referred to in plaintiff's 5th bill of exceptions, page 27.

GEORGETOWN, *Sept.* 23*d*, 1841.

SIR:—I feel bound to make to you this statement in consequence of a report which has reached my ears, that Mr. Robert White, with Capt. Carbery and B. Mackall, are endeavoring by their joint influences and representations to injure me in your estimation. It is due no less to you than to my friends and myself to write you this letter, in which I shall omit every thing that is not really necessary to be stated.

As to Mr. White, I feel warranted in assuring you that the rep-

resentations made to you by my friends in regard to him are true throughout, of which fact they will be able to furnish you the most abundant evidence. No man of character here would hazard the intimation that these friends of mine would possibly descend to a misrepresentation in regard to Mr. White, or any one else. For all that they have stated they can produce a mass of evidence too strong to be doubted.

In relation to Mr. Carbery I have only to refer you to my letter to you of the 23d August, and its accompanying papers; I would take much pleasure in furnishing you with any further explanations in regard to that case that you might desire.

It is wholly impossible that Mr. Mackall *that Mr. Mackall* can have the least ground for complaint, as I can supply you with abundant proof that there was no employment here for him whatever, nor any prospect of need for his services at any time hereafter. All the labor performed by him, since I have been appointed to this office, was merely to sign a receipt for his pay. He, or his friends for him, appealed to the Secretary of the Treasury, and seemed to have succeeded in producing an impression on his mind that I was meditating an unjust proceeding towards Mr. Mackall; all this, too, before I had said or written a word to Mr. Ewing upon the subject. He wrote me that Mr. Mackall must not be removed until I had assigned him my reasons for so doing. I obeyed his order; but on the very day I wrote him that there were no services for Mr. Mackall to perform, Mr. Ewing instructed me to discontinue the office. Mr. Mackall still complained to the Secretary, who wrote me to come to the Treasury Department. I went, and after hearing my statement, he said he was then satisfied that I had done what was proper in the case. I did not feel at all hurt at the course taken by Mr. Ewing, because I knew that the whole matter had been grossly misrepresented to him. I had been waited upon by a friend who earnestly remonstrated with me upon the subject of abolishing Mr. Mackall's office, as he said that, in that case, the influence of a powerful family connexion would be immediately wielded against me. I did not exactly see the propriety of being governed by such apprehensions, and took the course prompted by my sense of duty, and relying confidently upon the favorable result of an impartial investigation should any difficulty occur.

There is but little revenue collected at this port, and I felt it to be my duty to conduct its business with as little expense as possible. I found the expense of this office, so far as Georgetown is concerned, to be - - - - - $2,573 34
I have reduced these expenses to the sum of - 1,045 00

Thus saving to the Government - - - $1,428 34
without at all impairing the efficiency of the service. The whole expense of the office for Georgetown is now absolutely $45 a year less than Mr. Mackall was receiving for doing nothing; the ex-